

BEFORE THE
MISSOURI ETHICS COMMISSION

Filed
NOV 23 2016
Missouri Ethics
Commission

| | | |
|-----------------------------|---|--------------------|
| MISSOURI ETHICS COMMISSION, |) | |
| |) | |
| Petitioner, |) | |
| |) | Case No. 16-0071-I |
| v. |) | |
| |) | |
| DEWEY HENRY, |) | |
| |) | |
| Respondent. |) | |

**JOINT STIPULATION OF FACTS, WAIVER OF HEARING
BEFORE THE MISSOURI ETHICS COMMISSION, AND
CONSENT ORDER WITH JOINT PROPOSED
FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The undersigned parties jointly stipulate to the facts and consent to the action set forth below.

The undersigned Respondent, Dewey Henry, acknowledges that he has received and reviewed a copy of the Complaint filed by the Petitioner in this case, and the parties submit to the jurisdiction of the Missouri Ethics Commission.

The undersigned Respondent further acknowledges that he is aware of the various rights and privileges afforded by law, including but not limited to: the right to appear and be represented by counsel; the right to have all allegations against Respondent be proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing against Respondent; the right to present evidence on Respondent's behalf at the hearing; and the right to a decision upon the record of the hearing. Being aware of these rights provided to Respondent by operation of law, the undersigned Respondent knowingly and voluntarily waives each and every one of these rights and freely enters into this Joint Stipulation of Facts, Waiver of

Hearing before the Missouri Ethics Commission, and Consent Order with Joint Proposed Findings of Fact and Conclusions of Law, and agrees to abide by the terms of this document.

I.

Based upon the foregoing, the Petitioner and the undersigned Respondent jointly stipulate to the following and request that the Missouri Ethics Commission adopt as its own the Joint Proposed Findings of Fact and the Joint Proposed Conclusions of Law, as follows:

JOINT PROPOSED FINDINGS OF FACT

1. The Missouri Ethics Commission is an agency of the State of Missouri established pursuant to Section 105.955, RSMo, in part for the purpose of enforcing the provisions of Chapter 130, RSMo.

2. Respondent Henry was a successful candidate in the April 5, 2016 election for Mayor of Garden City, Missouri.

3. Pursuant to Sections 105.957 and 105.961, RSMo, the Commission's staff investigated a complaint filed with the Commission and reported the investigation findings to the Commission.

4. Based on the investigation report, the Commission determined that there were reasonable grounds to believe that violations of law occurred, and it therefore authorized a hearing in this matter pursuant to Section 105.961.3, RSMo.

5. In regard to any printed matter paid for by a candidate from the candidate's personal funds, it shall be sufficient identification to print the first and last name by which the candidate is known. § 130.031.8(1), RSMo.

6. In March 2016, Respondent Henry purchased a joint banner with Tammy Marten, an individual running for West Ward Councilwoman in Garden City, Missouri.

7. This banner was in support of Respondent Henry's candidacy for Mayor in the April 5, 2016 election.

8. Respondent Henry published, circulated, and/or distributed the banner, a true and accurate copy of which is attached hereto as Exhibit A, by displaying it at the Seven Stop in Garden City, Missouri.

9. Respondent Henry and Tammy Marten paid for the printed matter referred to in Exhibit A.

10. The printed matter referred to in Exhibit A relates to a candidate in the April 2016 election.

11. The banner referred to in Exhibit A should have contained a clear and conspicuous statement: "Paid for by Dewey Henry and Tammy Marten", but it did not.

JOINT PROPOSED CONCLUSIONS OF LAW

12. "Any person publishing, circulating, or distributing any printed matter relative to any candidate for public office or any ballot measure shall on the face of the printed matter identify in a clear and conspicuous manner the person who paid for the printed matter with the words "Paid for by" followed by the proper identification of the sponsor pursuant to this section." § 130.031.8, RSMo.

13. "'[P]rinted matter' shall be defined to include any pamphlet, circular, handbill, sample ballot, advertisement, including advertisements in any newspaper or other periodical, sign, including signs for display on motor vehicles, or other imprinted or lettered material; but 'printed matter' is defined to exclude ... any sign personally printed and constructed by an individual without compensation from any other person and displayed at that individual's place of residence

or on that individual's personal motor vehicle; any items of personal use given away or sold, such as campaign buttons, pins, pens, pencils, book matches, campaign jewelry, or clothing, which is paid for by a candidate or committee which supports a candidate or supports or opposes a ballot measure and which is obvious in its identification with a specific candidate or committee and is reported as required by this chapter; and any news story, commentary, or editorial printed by a regularly published newspaper or other periodical without charge to a candidate, committee or any other person.” § 130.031.8, RSMo.

14. In regard to any printed matter paid for by a candidate from the candidate's personal funds, it shall be sufficient identification to print the first and last name by which the candidate is known. § 130.031.8(1), RSMo.

15. There is probable cause to believe that Respondent Henry violated Section 130.031.8(1), RSMo, by publishing and circulating a banner relative to his candidacy in the April 2015 election without including a “paid for by” disclosure.

II.

Based on the foregoing, the parties hereto mutually agree and stipulate that the following shall constitute the order entered by the Missouri Ethics Commission in this matter. This order will be effective immediately upon the issuance of the Consent Order of the Missouri Ethics Commission without further action by any party:

1. The parties understand that the Petitioner will maintain this Joint Stipulation as an open and public record of the Missouri Ethics Commission.

2. The Commission shall issue its Consent Order in the form attached hereto as Exhibit 1.

a. Respondent shall comply with all relevant sections of Chapter 130, RSMo.

b. It is the Order of the Missouri Ethics Commission that a fee is imposed against Respondent Dewey Henry in the amount of \$100.00, pursuant to Section 105.961.4(6), RSMo. The fee will be paid by check or money order made payable and sent to the Missouri Ethics Commission at the time of execution of this Joint Stipulation.

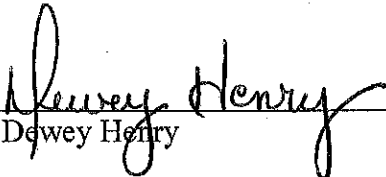
3. The parties consent to the entry of record and approval of this Joint Stipulation and to the termination of any further proceedings before the Commission based upon the Complaint filed by the Petitioner in the above action.

4. Respondent, together with his heirs, successors, and assigns, does hereby waive, release, acquit and forever discharge the Missouri Ethics Commission and its attorneys of or from any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including but not limited to, a claim for attorney's fees whatsoever which Respondent or


Respondent's attorney may now have or which they may hereafter have, which are based upon or arise out of the above cases.

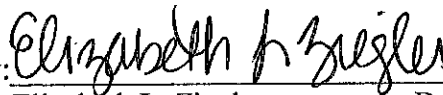
5. This joint stipulation does not settle, release, waive, or otherwise relieve Respondent from any late filing fees due to the appropriate filing authority, including Petitioner Missouri Ethics Commission. Respondent understands that late filing fees accrue automatically under Section 105.963, RSMo.

RESPONDENT DEWEY HENRY

By:  Date _____
Dewey Henry

PETITIONER MISSOURI ETHICS
COMMISSION

By:  11/23/16 Date _____
James Klahr
Executive Director

By:  11/22/16 Date _____
Elizabeth L. Ziegler
Attorney for Petitioner

☆☆☆☆ VOTE APRIL 5th ☆☆☆☆

Dewey
Heleny

For Mayor

Tammy
Martien

for West Ward Alderman

Vote for Constructive, Pro-Active Leadership

EXHIBIT

A

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MISSOURI ETHICS COMMISSION

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CONSENT ORDER

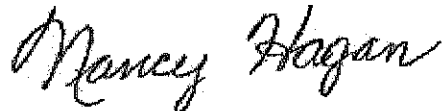
The parties have filed a Joint Stipulation of Facts, Waiver of Hearing, and Proposed Consent Order with the Missouri Ethics Commission. Accordingly, the Missouri Ethics Commission accepts as true the facts stipulated and finds that Respondent Henry violated Sections 130.031.8(1), RSMo.

The Commission directs that the Joint Stipulation be adopted.

1. Respondent shall comply with all relevant sections of Chapter 130, RSMo.
2. It is the order of the Missouri Ethics Commission that a fee is imposed against Respondent Henry in the amount of \$100, pursuant to Section 105.961.4(6), RSMo. The fee will be paid by check or money order made payable to the Missouri Ethics Commission.

SO ORDERED this 23rd day of November, 2016

By:



Nancy Hagan, Chair
Missouri Ethics Commission